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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/582,802

06/14/2006

Toru Yamada

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OLIFF & BERRIDGE, PLC  
P.O. BOX 320850  
ALEXANDRIA, VA 22320-4850

EXAMINER

RAO, G NAGESH

ART UNIT

PAPER NUMBER

1714

NOTIFICATION DATE

DELIVERY MODE

07/22/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OfficeAction25944@oliff.com  
jarmstrong@oliff.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/582,802	<b>Applicant(s)</b> YAMADA, TORU	
	<b>Examiner</b> G. NAGESH RAO	<b>Art Unit</b> 1714	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 April 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 7-9 and 11-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/20/05 and 9/8/09</u> .                                      | 6) <input type="checkbox"/> Other: _____                          |

***Election/Restrictions***

1) Applicant's election without traverse of claims 1-6 and 10 in the reply filed on 4/28/10 is acknowledged.

Claims 7-9 and 11-15 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4/28/10.

***Apparatus Claims***

2) Upon review of the claimed invention, it is the examiner's position that the claims are directed towards an apparatus and therefore will be treated in accordance to examination of "apparatus claims". Furthermore the material worked upon or used in the system is viewed as a recitation of intended use on part of the actual device components and therefore will not be afforded any patentable limitation weight towards the structure of the device. For further details examiner points to MPEP 2114 [R-1].

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3) Claims 1-6 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,916,369 A (Anderson, et al).

Anderson, et al teaches a system of supplying processing fluid to a substrate processing apparatus having walls, the inner surfaces of which define a processing chamber in which a substrate supporting susceptor is located. The system consists of a number of fluid storages, each which stores a separate processing fluid, at least two fluid conduits along which processing fluid flows from the fluid storages to the processing apparatus and a fluid inlet which connects the fluid conduits to the processing chamber. The inlet has a separate fluid passage, corresponding to each of the fluid conduits, formed along it. Each fluid passage opens at or near an inner surface of a wall to together define a fluid mixing zone, so that fluid moving along one fluid passage is prevented from mixing with fluid moving along any other passage until reaching the mixing zone. Anderson, et al teaches a horizontally rotating gas inlet on first and second sides, a preheating ring (24), a blocking unit

(118; See figure 5), a forming component (140) or a support ring. Anderson, et al also teaches a gas step lengthwise which has four different gas inlets (See figure 7, element (332), an evacuation system (See figure 1 (36) along with a gas controlling valve (See figure 8, (303), (308), (316), (320), respectively).

4) Claims 1-6 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Comita et al (EP 0870852).

Comita 852 pertains to a vapor phase growth apparatus for substrate processing having walls, the inner surfaces of which define a processing chamber in which a substrate supporting susceptor is located. The system consists of a number of fluid storages, each which stores a separate processing fluid, at least two fluid conduits along which processing fluid flows from the fluid storages to the processing apparatus and a fluid inlet which connects the fluid conduits to the processing chamber. The inlet has a separate fluid passage, corresponding to each of the fluid conduits, formed along it. Each fluid passage opens at or near an inner surface of a wall to together define a fluid mixing zone, so that fluid moving along one fluid passage is prevented from mixing with fluid moving along any other passage until reaching the mixing zone. Anderson, et al teaches a horizontally rotating gas inlet on first and second sides, a preheating ring, a blocking unit, a

forming component or a support ring. Anderson, et al also teaches a gas step lengthwise which has four different gas inlets an evacuation along with a gas controlling valve (See Fig 2 and Col 3 Lines 43-56 and Col 6 Lines 6-18).

5) Claims 1-6 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Tamura (JP 2002198316).

Comita 852 pertains to a vapor phase growth apparatus for substrate processing having walls, the inner surfaces of which define a processing chamber in which a substrate supporting susceptor is located. The system consists of a number of fluid storages, each which stores a separate processing fluid, at least two fluid conduits along which processing fluid flows from the fluid storages to the processing apparatus and a fluid inlet which connects the fluid conduits to the processing chamber. The inlet has a separate fluid passage, corresponding to each of the fluid conduits, formed along it. Each fluid passage opens at or near an inner surface of a wall to together define a fluid mixing zone, so that fluid moving along one fluid passage is prevented from mixing with fluid moving along any other passage until reaching the mixing zone. Anderson, et al teaches a horizontally rotating gas inlet on first and second sides, a preheating ring, a blocking unit, a forming component or a support ring. Anderson, et al also teaches a gas step

lengthwise which has four different gas inlets an evacuation along with a gas controlling valve (See Abstract and Figs 1-10).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to G. NAGESH RAO whose telephone number is (571)272-2946. The examiner can normally be reached on 8:30AM-5PM (INDEPENDENT FLEX SCHEDULE).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael KORNAKOV can be reached on (571)272-1303. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/G. Nagesh Rao/  
Art Unit 1714  
Patent Examiner